

**United States District Court
for
District of Southern Ohio**

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: **Ira D Suber**

Case Number: **1:00CR00060-8**

Name of Sentencing Judicial Officer: **The Honorable Susan J. Dlott
United States District Judge**

Date of Original Sentence: **December 14, 2000**

Original Offense: **Conspiracy to Distribute Cocaine, a Class A Felony, in violation of 21 U.S.C. §§ 846 and 841 (a)(1) and (b)(1)(A)**

Original Sentence: **76 month(s) prison, 60 month(s) supervised release**

Type of Supervision: **Term Of Supervised Release** Date Supervision Commenced: **February 17, 2006**

PETITIONING THE COURT

To extend the term of supervision for years, for a total term of years.

To modify the conditions of supervision as follows: **Suber will complete 60 hours of community service at a local animal shelter.**

CAUSE

On March 26, 2007, Suber was indicted on one count of Dogfighting, a fourth degree felony, in the Hamilton County Court of Common Pleas, case number B0702268. According to the indictment, on December 30, 2006, Suber knowingly witnessed a dogfight, which was presented as a public spectacle.

On May 4, 2007, Suber plead no contest to the charge and was found guilty of one count of Dogfighting. Sentencing is scheduled for June 14, 2007.

Pursuant to U.S.S.G. § 7B1.1 (a)(2) conduct constituting any other federal, state, or local offense punishable by a term of imprisonment exceeding one year is a Grade B violation. In this case, Suber was convicted of Dogfighting, which is punishable by a prison term of up to 18 months. Thus the behavior constitutes a Grade B violation. Pursuant to U.S.S.G. § 7B1.3 (a) the court shall revoke supervised release upon a finding of a Grade B Violation. Based upon the facts surrounding the conviction, which include the fact that Suber was not the organizer of the dogfight and he did not purchase a ticket to the dogfight, it is respectfully recommended that Suber not be required to appear in court for a supervised release violation hearing. Furthermore, it is respectfully recommended that Suber's term of supervised release not be revoked and the conditions of his supervised released be modified to include completion of 60 community service hours as a sanction for his behavior.

PROB 12B
(12/98)**RE: SUBER, Ira**

Respectfully submitted,

by

Melissa Mutter

U. S. Probation Officer

Date: **May 14, 2007**

Approved,

by

John Cole

Supervising U. S. Probation Officer

Date: **May 14, 2007**

THE COURT ORDERS:

No Action
The Extension of Supervision as Noted Above
The Modification of Conditions as Noted Above
Other

Signature of Judicial Officer

Date

PROB 49

**UNITED STATES DISTRICT COURT
Southern District of Ohio**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel" I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I also understand I have the right to contact an attorney prior to signing this waiver.

I hereby knowingly and voluntarily waive my right to consult an attorney before signing this waiver and I knowingly and voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

Suber will complete 60 hours of community service at a local animal shelter.

Witness:

Melissa A. Mueller

U.S. Probation Officer

Signed:

Tom Suber

Probationer or Supervised Releasee

MM

May 18, 2007

DATE